

Application No. 10/679,659
Amendment dated 07/24/2006
Office Action dated 3/22/2006

02-ASD-270 (EM)

REMARKS

The following remarks place this application in condition for allowance or, in the alternative, in better form for appeal. Entry and consideration of this response are therefore respectfully requested.

§ 103 rejections

Claims 1 and 3-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,029,730 to Parrish et al. ("Parrish"). Applicant respectfully traverses this rejection.

The Examiner asserted that Applicant's previous arguments were unpersuasive. More particularly, the Examiner stated that "when claim 1 is given its broadest reasonable interpretation, it reads on a molding within a boundary between two edges of a gasket or gaskets" (p. 6, emphasis added). Applicant respectfully disagrees.

As noted in the previous response, Parrish only shows a single gasket 14 that runs around the entire periphery of the electrotape 10 (col. 2 lines 67-69). Because Parrish does not show two gaskets whose edges form a pocket, it also fails to show any type of gasketed joint between two gaskets. Applicant agrees that claims should be given their broadest reasonable interpretation. However, this does not give the Examiner license to ignore the clear recitation in the claims of a joint formed by "a first gasket" and a "second gasket." The words in the claims must be given their plain meaning, i.e., the ordinary and customary meaning given to the term by those of ordinary skill in the art. MPEP 2111.01. Interpreting the claimed first and second gaskets to be the same as the one single gasket in Parrish would stretch the word "second" beyond its reasonable meaning.

Further, as noted in the previous response, Further, the sections of the single gasket 14 in Parrish are too far apart to even be considered a joint of any kind. The dictionary definitions of the word "adjacent" are "close to" or "next to" (Appendix A), not "defin[ing] a cavity (or pocket) to be filled by the sealant material" as alleged by the Examiner (p. 3). As shown in Figure 2, the two portions of Parrish's single gasket 14 cannot reasonably be considered adjacent, close to, or next to each other.

Application No. 10/679,659
Amendment dated 07/24/2006
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02-ASD-270 (EM)

Thus, one of ordinary skill in the art would not have (1) viewed the claimed two gaskets as reading on the single gasket shown in Parrish; and (2) considered the large space between the gasket portions 14 shown in the cross-sectional diagram of Figure 2 as a structure that could reasonably be called a joint.

Because Parrish fails to show a first gasket and a second gasket and fails to show a joint between two adjacent gaskets, the Examiner fails to establish a prima facie case of obviousness with respect to claims 1 and 3-8. Withdrawal of the rejection is respectfully requested.

Claims 1, 2, 3 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,431,549 to Hill et al. ("Hill"). Applicant respectfully traverses this rejection.

The Examiner admitted that the strips in Hill are porous, but asserted that their "sealing impact" is not hindered. The Examiner also stated that "a gap is provided between the strips for receiving sealant material as described, and act as gaskets" (p. 7). Applicant respectfully disagrees.

"Gasket" is known in the art as a seal that prevents gas or fluid from escaping (Appendix B). Contrary to the Examiner's assertion, the sealant carrier strips do not and cannot perform a sealing function, nor do they themselves function as gaskets. The Examiner has not explained how Hill's carrier strips could reasonably be considered gaskets when Hill does not attribute any sealing properties to the carrier strips. Simply applying sealant material to the carrier strips do not render them the same as the claimed gaskets because the claimed invention requires sealant to be applied to gaskets (which, by definition, are seals themselves). Hill's entire specification describes the carrier strips as simply vehicles for carrying sealant and not seals themselves; the sealing function is provided and adjusted only by the sealant itself (col. 10, lines 21-52). In fact, Hill suggests removing the carrier strip in some cases before joining components together, further indicating that the strips are mere carriers and not seals (col. 9, lines 39-46). One of ordinary skill in the art would not have equated the sealant carrier strips with the claimed gaskets the strips themselves do not perform any sealing function. Because Hill fails to

Application No. 10/679,659
Amendment dated 07/24/2006
Office Action dated 3/22/2006

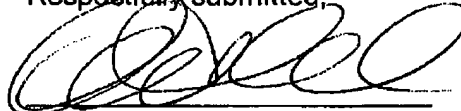
02-ASD-270 (EM)

show any gasket, Hill fails to teach a gasketed joint having a sealant between first and second gaskets. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-5 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1, 2 and 5 of co-pending application number 10/673,807. Applicant has filed a new terminal disclaimer signed by a representative of the assignee of the entire interest. Withdrawal of the rejection is therefore respectfully requested.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 05-0275.

Respectfully submitted,



Dated: 07/24/2006

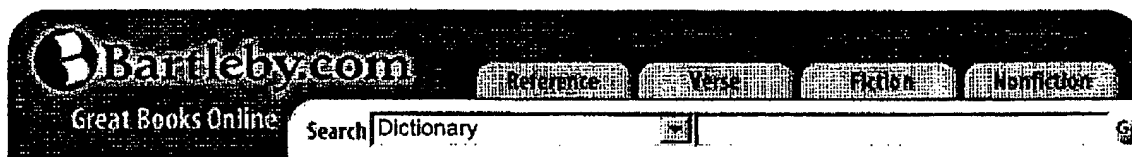
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APPENDIX A

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Home Subjects Titles Authors

Encyclopedia Dictionary Thesaurus Quotations English Usage

Reference > American Heritage® > Dictionary

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[CONTENTS](#) · [INDEX](#) · [ILLUSTRATIONS](#) · [BIBLIOGRAPHIC RECORD](#)

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adjacent

SYLLABICATION: ad·ja·cent

PRONUNCIATION: ə-ˈjā-sənt

ADJECTIVE: 1. Close to; lying near: *adjacent cities*. 2. Next to; adjoining: *adjacent garden plots*.

ETYMOLOGY: Middle English, from Latin *adiacēns*, *adiacent-*, present participle of *adiacēre*, to lie near : *ad-*, *ad-* + *iacēre*, to lie; see *yē-* in Appendix I.

OTHER FORMS: **ad·ja·cent·ly** —ADVERB

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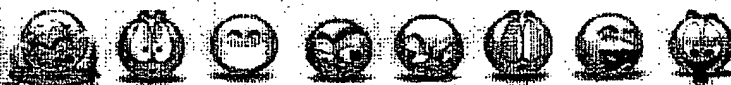
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APPENDIX B

gasket. The American Heritage® Dictionary of the English Language: Fourth Edition. 20... Page 1 of 2



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Home | Subjects | Titles | Authors | Encyclopedia | Dictionary | Thesaurus | Quotations | English Usage

Reference > American Heritage® > Dictionary

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[CONTENTS](#) · [INDEX](#) · [ILLUSTRATIONS](#) · [BIBLIOGRAPHIC RECORD](#)

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gasket

SYLLABICATION: gas·ket

PRONUNCIATION: ˈgæsˈkɪt

NOUN: 1. Any of a wide variety of seals or packings used between matched machine parts or around pipe joints to prevent the escape of a gas or fluid. 2. *Nautical* A cord or canvas strap used to secure a furled sail to a yard boom or gaff.

ETYMOLOGY: Perhaps alteration of French *garçette*, small cord, diminutive of *garce*, girl, from Old French, feminine of *gars*, boy, soldier. See *garçon*.

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[CONTENTS](#) · [INDEX](#) · [ILLUSTRATIONS](#) · [BIBLIOGRAPHIC RECORD](#)

< Gaskell, Elizabeth Cleghorn Stevenson

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